



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Letter from Baumbach and Piazza, Inc. Appealing the Planning Commission's Decision to Require an Eight to Ten Foot Right-of-Way Dedication for Landscaping Purposes Outside the Proposed Reverse Frontage Wall Along Turner Road and the Formation of a Lighting and Landscaping Assessment District, all at the Developer's Expense, in The Towne Ranch Development, Phase 5

MEETING DATE: February 1, 1995

PREPARED BY: Community Development Director


RECOMMENDED ACTION: that the City Council conduct a Public Hearing to consider letter from Baumbach and Piazza, Inc. appealing the Planning Commission's decision to require an eight to ten foot right-of-way dedication for landscaping purposes outside the proposed reverse frontage wall along Turner Road and the formation of a lighting and landscaping assessment district, all at the developer's expense, in the Towne Ranch Development, Phase 5.

BACKGROUND INFORMATION: At its meeting of December 12, 1994 the Lodi City Planning Commission conditionally approved the Tentative Subdivision Map of Towne Ranch, Unit No. 5, a 27.9 acre, 148 lot single-family development proposed for 2840 West Turner Road in an area zoned R-2, Single-Family Residential.

Among the conditions imposed by the Planning Commission was the dedication of additional right-of-way adjacent to the lots rearing to Turner Road and the northern portion of Evergreen Drive. This additional right-of-way was required to be landscaped. The developer opposes this dedication as well as the formation of an assessment district to maintain the landscaping and reverse frontage fence.

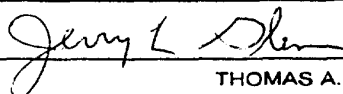
The developer wants to install the same reverse frontage wall that exists from Tejon Drive north to the MCI property.

FUNDING: Planning fees.


James B. Schroeder
Community Development Director

JBS/ck
Attachments

APPROVED: _____



THOMAS A. PETERSON
City Manager



recycled paper

CCCD951.DOC



BENNETT
DEVELOPMENT, INC.

January 24, 1995

Honorable Mayor Steve Mann
Members of the Lodi City Council
221 West Pine Street
Lodi, CA 95240

RECEIVED
55 JAN 24 AM 11:13
JENNIFER M. PERRIN
CITY CLERK

RE: Conditions of Approval of the Tentative Map
Phase 5 - Towne Ranch

Gentlemen:

The Lodi Planning Commission approved the Phase 5 Tentative Map at Towne Ranch at its December 12, 1994 meeting with the conditions set forth that a landscape strip would be required between the back of sidewalk and the masonry soundwall on the south side of Turner Road. In our original development plan and subsequent Planning Commission and City Council meetings regarding tentative maps for this project as well as Conditions of Approval of previous units, the soundwall and landscape requirements have been determined and Unit 1 soundwall and landscape requirements were set forth. In all prior discussions the soundwall along Turner Road on subsequent units was discussed to be that as required on Unit 1 on the west side on Lower Sacramento Road. At the time of the approval of the development plan for the entire project, the soundwall was stated to be required, both on the west side of Lower Sacramento Road and the south side of Turner Road. In conjunction with previous discussions for the development plan as well as well as subsequent tentative maps, we have been under the understanding that the previous discussion and determination of soundwall requirements would comply for the entire project. The Phase 1 soundwall was placed back of sidewalk with the requirement that there be landscape easement on the rear ten feet of each lot backing up to that wall and two trees be planted in that landscape strip that would ultimately grow to the height higher than the required soundwall.

In the December 12 meeting, the Planning Commission has reversed its position and has requested that a landscape strip be required between the back of sidewalk and the soundwall, thereby eliminating the 10' landscape requirement at the rear of each lot behind the soundwall. This presents a great hardship on our project in as much as we have our entire development plan approved and have plotted the property out, anticipating the soundwall would be at the back of sidewalk. The addition of 8 to 10 feet of landscaping between the back of sidewalk and the masonry soundwall will require relotting of most if not all of the balance of the project.

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STATE LICENSE NO. 390631

PAGE TWO
PHASE 5 - TOWNE RANCH

The original development plan was approved by the Planning Commission on March 2, 1992 and in April of 1992 at the City Council meeting there was discussion regarding the soundwall and whatever maintenance arrangements would be necessary to protect and maintain that wall. On May 26, 1992, the Planning Commission approved the tentative map for Unit 1 of Towne Ranch and on July 12, 1993 the Planning Commission approved the soundwall for Unit 1. On September 1, 1993, the City Council approved the setting of a maintenance fee for the wall and for future walls of similar design. In all of the above meetings the agreement was as previously stated, that the soundwall would be set to back of sidewalk.

My concern with the Planning Commissions' most recent recommendation, is that the loss of the 8 or 10 feet for landscape strip will cause a complete relotting of the subdivision which could possibly result in the loss of lots. More importantly is that the approved development plan is being abandoned. It was my understanding that when we had a development plan in place, we had a basic understanding and layout of how the subdivision would be completed. The rules to the game have been changed in mid-stream.

When I selected a soundwall on Lower Sacramento Road, I chose a more expensive wall because I felt that it was a window for my project and I wanted to use what I considered to be the most appealing and aesthetically desirable wall that would provide an attractive entrance to the subdivision. In addition, I added several thousand dollars worth of landscaping in the median strip between Lower Sacramento Road and the Frontage Road to enhance the appearance of my subdivision.

I respectfully request the City Council to overturn to City Planning Commission's decision and remove that condition from the approval of my tentative map for Unit 5 of Towne Ranch and subsequent units to follow that border on the south side of Turner Road.

Sincerely,
TOWNE RANCH ASSOCIATES

A handwritten signature in dark ink, appearing to read "Dennis G. Bennett", with a large, stylized flourish extending to the right.

Dennis G. Bennett
General Partner

DGB/cw

civil engineers



BAUMBACH & PIAZZA, INC.

323 West Elm Street
Lodi, California 95240

Phone (209) 368-6618
FAX (209) 368-6610

December 15, 1994

JOB NO. 9180-5

Ms. Jennifer Perrin
City Clerk, City of Lodi
221 West Pine Street
Lodi, CA 95240

Dear Jennifer:

On behalf of my client, "Towne Ranch Associates", I hereby appeal to the City Council regarding the following described Planning Commission action on December 12, 1994:

The added condition requiring an 8 foot to 10 foot right of way dedication for landscaping purposes outside the proposed Reverse Frontage Wall along Turner Road, and the formation of a Lighting and Landscaping Assessment District, all at the Developers expense, attached to the approval of the Tentative Map of "Towne Ranch, Phase 5" (Map 94S011).

We feel that this condition is in conflict with the policy previously established by the Planning Commission and City Council regarding the wall and landscaping for the Towne Ranch Development.

Sincerely,

STEVEN E. PECHIN
President

SEP:jc

cc: Jim Schroeder
Dennis Bennett

RECEIVED

DEC 16 1994



COMMUNITY
DEVELOPMENT
DEPARTMENT

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
RAY G. DAVENPORT
PHILLIP A. PENNINO
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

December 16, 1994

Mr. Steven E. Pechin
c/o Baumbach and Piazza, Inc.
323 West Elm Street
Lodi, CA 95240

Dear Steve:

RE: Tentative Subdivision Map 94 S 011
Towne Ranch #5
2840 West Turner Road

At its meeting of Monday, December 12, 1994 the Lodi City Planning Commission conditionally approved the Tentative Subdivision Map of Towne Ranch, Unit #5, a 27.9 acre, 148-lot single-family development proposed for 2840 West Turner Road in an area zoned R-2, Single-Family Residential as requested by you on behalf of Towne Ranch Associates.

The Planning Commission's approval is subject to the conditions enumerated on the enclosed Public Works memorandum dated December 16, 1994.

Section 16.36.010 of the Lodi Municipal Code provides as follows:

"Any person adversely affected by any action of the advisory agency may file a complaint with the City Clerk concerning such decision. Any such complaint shall be filed with the City Clerk within fifteen days after the action which is the subject of the complaint."

Mr. Steven E. Pechin
December 16, 1994
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Your appeal, if any, must be in writing and should be directed to Ms. Jennifer Perrin, City Clerk, P.O. Box 3006, Lodi, CA 95241-1910 and must be received by her before 5:00 p.m., Tuesday, December 27, 1994.

Sincerely,

A handwritten signature in cursive script that reads "James B. Schroeder". The signature is written in dark ink and is positioned above the printed name.

JAMES B. SCHROEDER
Community Development Director

Enclosure

cc: Town Ranch Associates
City Clerk

MEMORANDUM, City of Lodi, Public Works Department

TO: Community Development Director

FROM: Public Works Director

DATE: December 16, 1994

SUBJECT: Recommended Vesting Tentative Map Conditions for Towne Ranch, Unit 5
File # 94 S 011

The following conditions of approval are required for the subject project per City codes and standards, all to be accomplished prior to, or concurrent with, final map filing unless noted otherwise and are based on the Planning Commission approval on December 12, 1994:

1. Engineering and preparation of improvement plans and estimate per City Public Improvement Design Standards for all public improvements prior to final map filing.
Plans to include:
 - Approved tentative map, signed by the Community Development Director;
 - Grading, drainage and erosion control plan;
2. Abandonment/removal of wells, septic systems and underground tanks in conformance with applicable City and County requirements and codes prior to approval of public improvement plans.
3. Installation of all public utilities and street improvements within the limits of the map, including a reverse frontage fence and approximate 10-foot landscaping strip conforming to City-approved design along Turner Road and Evergreen Drive.

Due to the possibility of multiple final maps for this project from previously approved tentative maps and the uncertainty of the construction sequence, all improvements within the limits of the map and the following "off-site" improvements will need to be completed in conjunction with the first unit constructed:

- Installation of all public utilities and street improvements, including service laterals, in Evergreen Drive between Sequoia Street and Turner Road.
- Extension of utilities and water main looping as necessary to serve the site.
- Turner road transition at the WID canal to the approval of the Public Works Department (This construction may be deferred until construction of improvements of the adjacent unit.).

All public improvements to be installed within one year of final map filing under the terms of an improvement agreement to be approved by the City Council prior to final map filing.

4. Design and installation of public improvements to be in accordance with City master plans and include drainage and wastewater capacity for the area north of Turner Road bounded by the WID Canal on the west and north and the northerly extension

of a line parallel to and 400 feet west of the existing east right-of-way line on Lower Sacramento Road to the east.

Note that the developer may be eligible for reimbursement from others for the cost of certain improvements. It is the developer's responsibility to request reimbursement and submit the appropriate information per the Lodi Municipal Code §16.40.

5. Dedication of street right-of-way as shown on the tentative map with the following changes/additions:
 - As previously stated in our comments for the approved Development Plan for this project, the right-of-way on Turner Road needs to be 94 feet in the vicinity of Evergreen Drive. The 94-foot wide section needs to extend from Evergreen Drive to 300 feet east of Evergreen Drive. A 315-foot taper reducing the right-of-way from 94 feet to 80 feet needs to be provided east and west of the 94-foot wide section. The design of Turner Road needs to be coordinated with the future commercial development to the north.
 - Right-of-way for a bus turnout on Turner Road east of Evergreen Drive, if needed.
 - Provide 68-foot right-of-way on Evergreen Drive at the intersection with Turner Road in conformance with the Street Master Plan. Begin taper at the north property lines of Lots 266 and 267 to provide the 68-foot width at the intersection.
6. The Water Master Plan has identified a future well site near Evergreen Drive, south of Turner Road. Based on preliminary discussions with the developer, Lot 363 will be the well site if a test well is satisfactory. An agreement needs to be reached between the owner and the City regarding the location and acquisition of the well site prior to final map filing. Costs for the well site would be borne by the water development impact mitigation fee fund or paid as a credit against those fees.
7. Dedication of public utility easements as required by the various utility companies and the City of Lodi, including a water well hazard exclusion easement for the well site mentioned in Item #6 and a 10-foot landscape easement adjacent to the reverse frontage fence mentioned in Item #3.
8. Submit final map per City and County requirements including the following:
 - Waiver of access rights at Turner Road except at street openings shown on tentative map.
 - Sight obstruction easements on Lots 272, 273, 359, 360 and 363 in compliance with City Design Standards, if necessary.
9. Payment of the following:
 - Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule;

- Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule at the time of map filing (fees for Police, Fire, Parks and Recreation and General City Facilities may be deferred until acceptance of public improvements);
- Wastewater connection fee at building permit issuance;
- Reimbursement fees per existing agreements at time of map filing:
 - 1) 86S02 \$845/ac. (1994) Sanitary sewer lift station fee for acreage parallel to and 400 feet west of the existing east right-of-way line on Lower Sacramento Road. This fee increases on a yearly basis.
 - \$884/ac. (1995)
- One-time maintenance fee for City-approved reverse frontage fence along Turner Road and Evergreen Drive.

The above fees are subject to periodic adjustment as provided by the implementing ordinance/resolution. The fee charged will be that in effect at the time of collection indicated above.

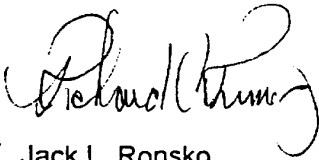
10. Obtain the following permits:

- San Joaquin County well/septic abandonment permit;

11. The City will participate in the cost of the following improvements:

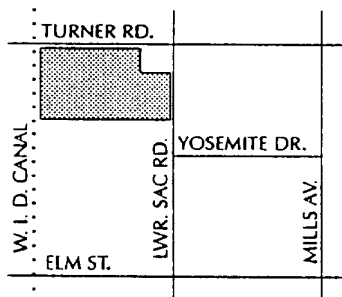
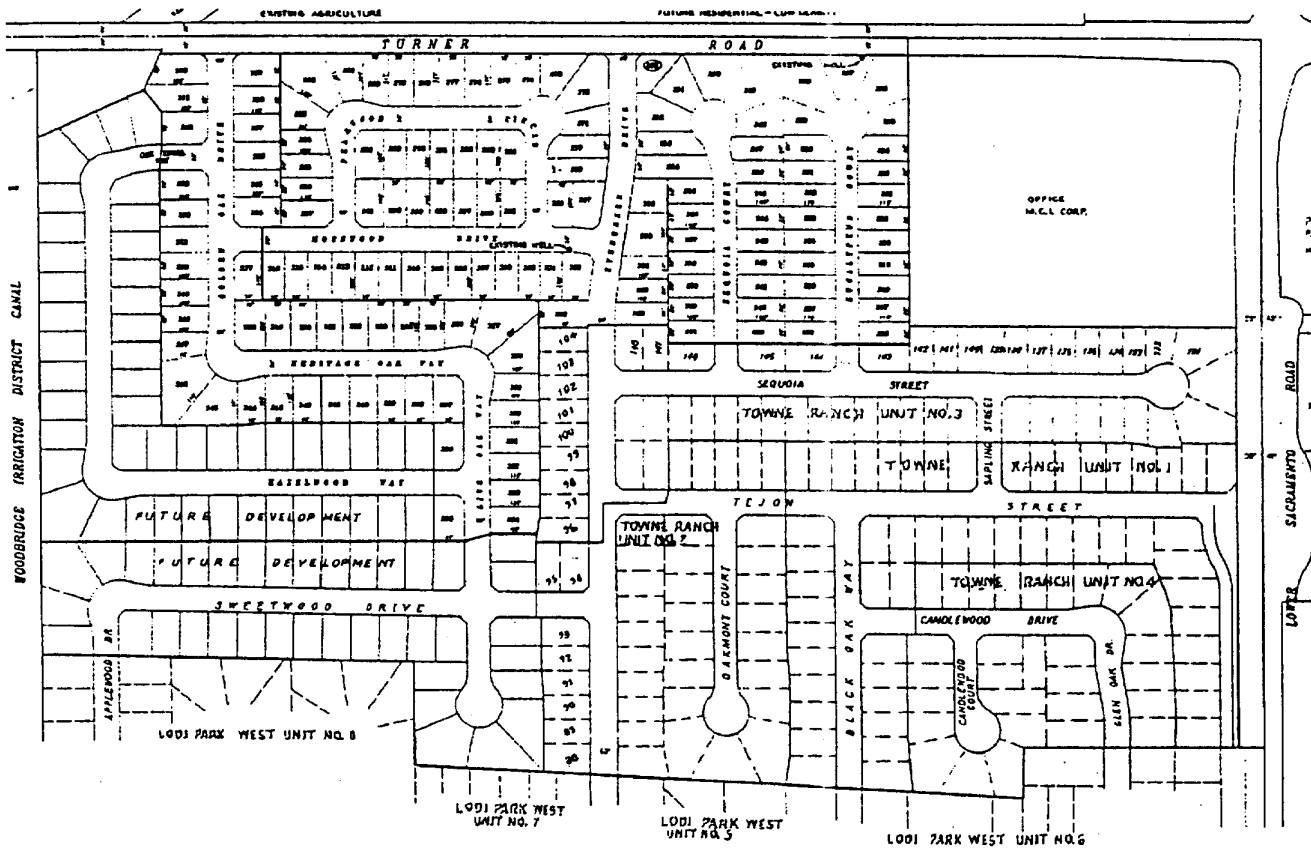
- Master plan storm drains 30 inches and larger;
- Master plan water mains 10 inches and larger. The location of the 10-inch mains shown in the Water Master Plan will be adjusted to accommodate the location of the well site mentioned in Item #6.

12. Establish an assessment district formed under the 1972 Lighting and Landscape Act for the maintenance of the landscaping and reverse frontage fence, all to the approval of the Public Works Director and City Attorney.


for Jack L. Ronsko
Public Works Director

JLR/SAW

cc: Associate Civil Engineer
Towne Ranch Associates
Baumbach & Piazza



VICINITY MAP



Towne Ranch Unit No. 5
 148 Lot Single Family Subdivision
 2840 West Turner Road
 94-3-011 12-12-94



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: February 1, 1995

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, February 1, 1995** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Letter from Baumbach & Piazza appealing the Planning Commission's decision to require an eight to ten foot right-of-way dedication for landscaping purposes outside the proposed Reverse Frontage Wall along Turner Road and the formation of a Lighting and Landscaping Assessment District, all at the Developer's expense, in the Towne Ranch Development, Phase 5.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

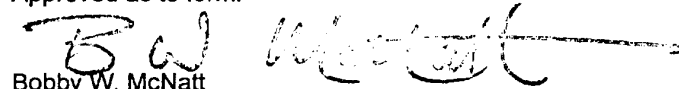
If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:


Jennifer M. Perrin
City Clerk

Dated: January 4, 1995

Approved as to form:


Bobby W. McNatt
City Attorney